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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 TOMMY LEE MATTHEWS,

11 Plaintiff,

No. CIV S-05-0437 LKK GGH P

12 vs.

13 SACRAMENTO COUNTY, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is proceeding pro se with a civil rights action pursuant to 42 U.S.C. §
17 1983. Pending before the court is defendant Parra's September 5, 2006, motion to compel and
18 for sanctions. For the following reasons, defendant's motion is denied.

19 On May 1, 2006, defendant served plaintiff with special interrogatories (set one)
20 and a request for production of documents (set one). On May 17, 2006, plaintiff served
21 defendant with a response to the discovery requests. Plaintiff's responses lacked signatures and
22 verification. On May 22, 2006, defendant sent plaintiff a letter notifying him of the deficiencies
23 of his responses and inviting him to submit amended responses. Plaintiff did not respond to this
24 letter.

25 On July 7, 2006, plaintiff filed a motion for an extension of time to respond to
26 defendant's discovery requests. On July 13, 2006, defendant filed a motion to compel. On July

1 24, 2006, the court granted plaintiff thirty days to serve defendant with his responses to the
2 discovery requests. On August 14, 2006, plaintiff filed his responses. Again, plaintiff's
3 responses lacked signatures and verification.

4 On September 5, 2006, defendant filed a renewed motion to compel. Defendant
5 again argues that plaintiff did not provide him with responses containing signatures and
6 verification. On September 25, 2006, plaintiff filed an opposition to defendant's motion.
7 Plaintiff argues that he was unable to properly respond to defendant's discovery requests due to
8 his mental problems which impair his ability to comprehend matters. Plaintiff states that at no
9 time did he refuse to respond to defendant's discovery requests. On September 25, 2006,
10 plaintiff submitted a verified response to defendant's discovery requests.

11 While plaintiff failed to respond to previous requests to provide verified and
12 signed responses, he has now done so. In light of the fact that plaintiff is a prisoner proceeding
13 pro se, and because plaintiff did not refuse to respond to defendant's discovery requests, the court
14 finds that sanctions are not appropriate. Fed. R. Civ. P. 37(a)(4)(A). However, plaintiff is
15 cautioned not to fail to respond appropriately in the future. Plaintiff's actions have unnecessarily
16 taken the court's and defendants counsels' time.

17 Accordingly, IT IS HEREBY ORDERED that defendant's September 5, 2006,
18 motion to compel is denied as moot; defendant's September 5, 2006, motion for sanctions is
19 denied.

20 DATED: 11/20/06

/s/ Gregory G. Hollows

21 _____
GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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